

REMARKS

In response to the Final Office Action, Claims 1, 7 and 8 are amended. Claims 1-8 remain in the Application. Reconsideration of the pending claims is respectfully requested in view of the above amendment and the following remarks.

I. Claims Rejected Under 35 U.S.C. §103(a)

A. Claims 1, 5 and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2003/0063558 of Kim ("Kim") in view of U.S. Patent No. 6,628,673 issued to McFarland, et al. ("McFarland") and further in view of U. S. Patent No. 5,646,632 issued to Khan et al. ("Khan").

B. Claims 1-4 and 6-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2004/0076239 of Yu, et al. ("Yu") in view of McFarland and further in view of Khan.

To establish a *prima facie* case of obviousness, the relied upon references must teach or suggest every limitation of the claim such that the invention as a whole would have been obvious at the time the invention was made to one skilled in the art.

With respect to independent claims, Claims 1 and 7 respectively recite the elements of "canceling a symbol guard interval using a reference timing signal and an estimation of relative delay times among the mobile stations," and "the symbol guard interval canceller to cancel the symbol guard time using a reference time and an estimation of relative delay times among the mobile stations."

Applicants submit that the cited references do not teach or suggest these elements. The Examiner cites Kim and Yu for disclosing a guard time remover. Khan is relied on for disclosing the calculation of relative delays. However, the calculation of relative delays disclosed by Khan is for purposes completely unrelated to cancellation of symbol guard intervals. Khan discloses that the relative delays (time offsets) are used for distinguishing signal sources. See col. 2, lines 59-61 of Khan, "[t]he time offset allows the pilot signals of one base station to be distinguished from those of other base stations." Khan also discloses the use of relative delays for identifying the location of a mobile. See FIG. 3 and col. 4, line 1 to col. 5, line 38. There is no indication in Khan that the relative delays can be used to cancel symbol guard intervals.

Further, there is no teaching or suggestion in any of the cited references that the guard time remover of Kim or Yu can be combined with the relative delays of Khan to produce the claimed invention. Thus, the combination of Khan with Kim or Yu is based on improper hindsight construction.

Moreover, Claims 1 and 7 respectively recite the elements of “restoring phases of the OFDM symbols based on the estimation of the relative delay times among the mobile stations,” and “a delay time phase compensator for compensating for phase distortions of the OFDM symbols by using the relative delay times.” The Examiner relies on Kim for disclosing phase restoration of the OFDM symbols, and relies on McFarland for disclosing division of the OFDM symbols that have undergone FFT processing into subchannel groups. However, the cited references do not disclose that that phase restoration of the OFDM symbols is based on an estimation of relative delay times among the mobile stations. As mentioned above, the relative delays disclosed by Khan are used for purposes completely unrelated to phase restoration of the OFDM symbols. Thus, the cited references do not teach or suggest each of the elements of amended Claims 1 and 7.

Claims 2-6 and 8 depend from Claims 1 and 7, respectively, and incorporate the limitations thereof. Thus, for at least the reasons mentioned above, the cited references do not teach or suggest each of the elements of these dependent claims.

Accordingly, reconsideration and withdrawal of the §103 rejection are requested.

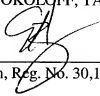
CONCLUSION

In view of the foregoing, it is believed that all claims are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

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Dated: October 9, 2007



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October 9, 2007